

REMARKS

Claims 1-65 are currently pending in this application. The Examiner has required a restriction of the pending claims to one of the following groups:

- I. Claims 1-37, drawn to screening methods for selecting a test ligand for a target, by comparing the extent to which the target protein is folded, unfolded, or both in the presence of a test ligand compared to the absence of the test ligand;
- II. Claims 38-44, drawn to methods for selecting whether a selected test ligand inhibits or augments known biological activities of a target protein; and
- III. Claims 38-44, drawn to a fluorescent probe-based screening method for selecting a test ligand.

The Examiner has further required election of specific species of test ligand, target polypeptide, and target binding to which the pending claims shall be restricted to in order to facilitate searching. In particular, the Examiner has required election of a single member from each of the following species of test ligands, reading on the specified claims:

Small organic molecules, metals, peptides, proteins, polysaccharides, nucleic acids, and combinations thereof.

The Examiner further has required election of a single member from each of the following species of target polypeptides, reading on the specified claims:
receptors, enzymes, oncogene proteins, tumor suppressors, viral proteins or particles, and

transcription factors.

In order to be fully responsive to the Requirement for Restriction, Applicants hereby provisionally elect, with traverse, to prosecute the claims of Group I (claims 1-37) drawn to screening methods. Applicants further elect with traverse small molecules as the species of test ligand, enzymes as the species of target polypeptide, and target bound to solid phase as species of bound or soluble target.

Applicants note that upon allowance of a generic claim, they will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of the allowed generic claim.

Although Applicants are making the above election to be fully responsive to the Requirement for Restriction, Applicants respectfully traverse the Requirement and reserve the right to petition therefrom under 37 C.F.R. §1.144. In particular, Applicants respectfully request reconsideration of the Restriction Requirement as the method claims of Groups I and II are not mutually exclusive, since the Group I methods must necessarily be performed prior to the Group II methods.

Applicants discussed the restriction requirement during a telephone interview with the Examiner on April 29, 2002. We alerted the Examiner to the fact that the method claims of Groups I and II are not mutually exclusive, as the Group I methods must necessarily be performed prior to the Group II methods, and we requested that the restriction between Group I and Group II be retracted. The Examiner conceded that the two Groups comprise the same invention, but maintained the restriction requirement to facilitate prior art searches. However, the Examiner informed us that if we elect Group I or Group II with traverse, and the elected

Group is found to be allowable, she will rejoin the two Groups and allow the claims of both.

Examination of all of the pending claims is respectfully requested. Examination and allowance of all of the pending claims is earnestly sought.

If there are any other issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul F. Fehlner", is written over a horizontal line.

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